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N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee et al.

Docket No:

375461-002T1C4 (355315)

Serial No.: 10/788,836

Confirmation No.:

7978

Filed:

February 26, 2004

Group Art Unit:

1637

For:

ENERGY TRANSFER DYES WITH

ENHANCED FLUORESCENCE

Examiner:

J. Riley

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(c)

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §§ 1.97 and 1.98, Applicant submits herewith patents, publications and/or other information (listed below and/or on the attached Substitute Form PTO 1449) that may be material to the examination of the captioned application, and in respect of which there may be a duty of disclosure as set forth in 37 CFR § 1.56, for consideration and to be made of record in the captioned application by the U.S. Patent and Trademark Office.

In accordance with 37 CFR 1.98, copies of the cited references are enclosed.

Cite Nos. B1-B7, B11-B12, B19, B23, B29, C30, C57 and C58 were previously cited in an Information Disclosure Statement filed November 21, 2005, but were not considered by the Examiner, either because the citation did not include a date (Cite No. C30) or because copies could not be found in the files of the parent application(s) (Cite Nos. B1-B7, B11-B12, B19, B23, B29, C57 and C58).

It is noted that Cite Nos. B1-B7 and B19 are not in the English language. Translations of Cite Nos. B2, B6, and B7 are included with the references. The abstract of Cite No. B19 is in the English language and the structural depictions are clear. Accordingly, no translation is provided.

the English

cited herein.

with their

12697194.BUSINESS /80 Cite Nos. B1 and B3-B5 have English language equivalents, which are also being cited herein. Accordingly, translations are not provided. The following table correlates these Cite Nos. with their English-language equivalents:

Cite No.	Equivalent
B1	US 3,679,358 (cited as A48 in the attached Form 1449)
В3	UK 1,286,885 (cited as B30 in the attached Form 1449)
B4	UK 1,273,454 (cited as B3 1 in the attached Form 1449)
B5	US 4,647,675 (cited as A49 in the attached Form 1449)

Also being cited in this Information Disclosure Statement is US 6,355,440 (Cite No. A47). This '440 patent is the grandparent of the captioned application.

This Information Disclosure Statement is filed under CFR § 1.97(c) after the period specified by CFR § 1.97(b), but before the mailing date of any of a final Office Action under 37 CFR § 1.113, a notice of allowance under 37 CFR § 1.311, or an action that otherwise closes prosecution in the application. Authorization for payment of fees required by 37 CFR § 1.17(p) is provided below.

As specified in 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material information as defined in 37 CFR § 1.56(a) exists.

As specified in 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any information cited herein is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

Moreover, while the patents, publications and/or other information disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, the Disclosure is not intended to constitute an admission that any patents, publications and/or other information included or referred to herein is "prior art" to the captioned application unless specifically designated as such.

It is respectfully submitted that this Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609. Accordingly, consideration of the foregoing and prompt return of a copy of the enclosed Substitute form PTO 1449 with the Examiner's initials in the left column in accordance with MPEP § 609 are respectfully requested.

The Commissioner is authorized to charge the fee of \$180.00 set forth in 37 CFR § 1.17(p) to Dechert LLP Deposit Account No. 50-2778 (Order No. 375461-002T1C4(355315)). No fees beyond those specified by 37 CFR § 1.17(p) are believed due in connection with the Information Disclosure Statement. However, the Commissioner is authorized to charge any additional required fees, or credit any overpayment, to this same deposit account, references the same Order No.

Respectfully submitted,

Date:

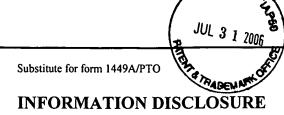
July 31, 2006

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STATEMENT BY APPLICANT

(Use as many sheets as necessary) of

Sheet

Complete if Known				
Application Number 10/788,836				
Filing Date	February 26, 2004			
First Named Inventor	Linda G. Lee			
Group Art Unit	1637			
Examiner Name	J. Riley			
Attorney Docket No. 375461-002T1C4 (355315)				

			U.S. PUBL	ISHED DOCUMENTS	
Examiner Initials*	Cite No. ¹	U.S. Patent Document Number Kind Code² (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
	A47	6,335,440	B1	Lee et al.	01-01-2002
	A48	3,679,358		Lohe et al.	07-25-1987
	A49	4,647,675		Mayer et al.	03-03-1987
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			F	OREIGN	PATENT DOCUMEN	NTS		
Examiner Initials*	Cite	Foreign Patent Document					Translation ⁶	
	No. ¹	Office ³	Number ⁴	Kind Code ⁵ (if known)	Date of Publication of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Yes	No
	Bl		CH 12433/70		02-15-1973	Hoechst AG		
	B2		DE 108347		11-29-1898		X	
	B3		DE 2049503		04-22-1971	Fuji Photo Film Co., Ltd.		
	B4		DE 2049527		04-22-1971	Fuji Photo Film Co., Ltd.		
	B5		DE 3425631	Al	01-1601986	BASF AG	X	
	B6		DE 45263		11-13-1887		X	
	B7		DE 47451	ì	11-13-1887		X	
	B11		EP 0 252 683		01-13-1988	DuPont		
	B12		EP 0 299 943	A2	07-29-1987	Molecular Biosystems, Inc.		
	B19		JP 0410/559	Α	09-04-1992	Kao Corp.		
	B23		WO 91/07507		05-30-1991	Applied Biosystems, Inc.		
	B29		WO 94/05688		03-17-1994	Applied Biosystems, Inc.		
	B30	UK	1286885		08-23-1972	Fuji Photo Film Co., Ltd.		
	B31	UK	1273454		05-10-1972	Fuji Photo Film Co., Ltd.		

Examiner	Date Considered	
Signature		

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation or translation of abstract is attached.

				Complete if Known			
Sub	stitute for form 1449A/P	то		Application Number	10/788,836		
IN		DICC	T OCTUDE	Filing Date	February 26, 2004		
•	FORMATION			First Named Inventor	Linda G. Lee		
SI	TATEMENT B	Y APP	PLICANT	Group Art Unit	1637		
(Use as many sheets as necessary)				Examiner Name	J. Riley		
Sheet	2	of	2	Attorney Docket No.	375461-002T1C4 (355315)		

		OTHER DOCUMENTS - NON PATENT LITERATURE DOCUMENTS			
Examiner Cite	1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate),			
mitiais	nitials* No. title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		Yes	No	
	C30	HAUGLAND, R.P., et al., "New Dyes for DNA Sequencing" (Progress Report) December 31, 1990.			
	C57	"Molecular Probes Handbook of fluorescent probes and research chemicals," 1992-1994, 5th Ed., Molecular Probes, Inc.			
	C85	TIAN, H. et al., "Solvent Effect on the triplet lifetime of some rhodamine dyes," <i>Dyes. Pigm.</i> , 1994, 26: 167-174.			
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Examiner	Date Considered	
Signature		

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Unique citation designation number. ² Applicant is to place a check mark here if English language Translation or translation of abstract is attached.